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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 5894/Leg. C1/78/Law. *Dated, Trivandrum, 21st April, 1978/ 1st Vaisakha, 1900.*

The following Ordinance promulgated by the Governor on the 21st day of April, 1978, is hereby published for general information.

By order of the Governor,

K. Viswanathan Nair,

Law Secretary.

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33/1351/MC.

ORDINANCE No. 12 OF 1978

THE UNIVERSITY LAWS (AMENDMENT) ORDINANCE, 1978

Promulgated by the Governor of Kerala in the Twenty-ninth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala University Act, 1974 and the Calicut University Act, 1975.

Preamble.—WHEREAS the teachers of the colleges affiliated to the University of Kerala or the University of Calicut have threatened that they would refuse to attend to the valuation of examination papers and other work relating to the examinations to be held by the said Universities from April, 1978, unless their demands regarding revised scales of pay are met;

AND WHEREAS about three lakhs of students will be appearing for the said examinations;

AND WHEREAS such threatened refusal by the teachers if materialised will adversely affect the future of such a large number of students;

AND WHEREAS it is necessary to provide specifically that the work in connection with University examinations shall be the duty of the teachers and the non-teaching staff of affiliated colleges and the officers, teachers and other employees of the said Universities and that refusal to perform such duty will entail forfeiture of salary;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the University Laws (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. *Acts* 17 *of* 1974 *and* 5 *of* 1975 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala University Act, 1974 (17 of 1974) and the Calicut University Act, 1975 (5 of 1975), shall have effect subject to the amendments specified in section 3 and section 4 respectively.

3. *Amendment of Act* 17 *of* 1974.—In the Kerala University Act, 1974 (17 of 1974),—

(1) in section 7, after sub-section (9), the following sub-sections shall be inserted, namely:—

"(9A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(9B) Any person nominated by the Vice-Chancellor under sub-section (9A) shall be deemed to be an examiner included in the panel approved by the syndicate.";

(2) after section 80, the following section shall be inserted, namely:—

"80A. *Duty of teachers, etc., in connection with University examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University, which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation.—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further enquiry as may be necessary, pass such order thereon as it deems fit.".

4. *Amendment of Act* 5 *of* 1975.—In the Calicut University Act, 1975 (5 of 1975),—

(1) in section 7, after sub-section (9), the following sub-sections shall be inserted, namely:—

"(9A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(9B) Any person nominated by the Vice-Chancellor under sub-section (9A) shall be deemed to be an examiner included in the panel approved by the syndicate.";

(2) after section 79, the following section shall be inserted, namely:—

"79A. *Duty of teachers, etc., in connection with University Examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University, which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation.—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made—

(a) in the case of teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on whicb a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further enquiry as may be necessary, pass such order thereon as it deems fit".

JOTHI VENCATACHELLUM,

GOVERNOR.